

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GREGORY STINNETT,)	
)	Case No.: 08 C 709
Plaintiff,)	
)	Judge St. Eve
v.)	
)	Magistrate Judge Cox
THE CITY OF CHICAGO,)	
)	
Defendant.)	

**PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO STRIKE PLAINTIFF'S
REQUEST FOR PUNITIVE AND/OR LIQUIDATED DAMAGES**

NOW COMES the Plaintiff, Gregory Stinnett, by and through his attorney's, Ed Fox & Associates, and hereby opposes, in part, Defendant's Motion to Strike Plaintiff's Request for Punitive and/or Liquidated Damages. In support of this partial opposition, Plaintiff states as follows:

1. Defendant moves to strike Plaintiff's request for punitive and/or liquidated damages. Defendant argues that Title VII bars recovery of punitive damages from a municipal corporation and that liquidated damages are not recoverable in a Title VII action.
2. Plaintiff does not oppose Defendant's request to strike Plaintiff's claim for punitive and/or liquidated damages.
3. Defendant also contends in a *footnote* that Plaintiff's request for special damages should be stricken. Def. Mtn. Pg. 3, FN 2. Defendant does not move for such relief in the body of its Motion or in the Motion's prayer for relief.
4. Given that Defendant has not actually moved the Court to strike Plaintiff's claim for special damages, Plaintiff's claim for special damages should not be stricken.

5. Moreover, Defendant has cited no authority to support its contention that Plaintiff's request for special damages should be stricken; thus, Defendant has waived such argument. *See Davis v. Carter*, 452 F.3d 686, 691-692 (7th Cir. 2006) (It is hornbook law that "perfunctory and undeveloped arguments, that are not supported by pertinent authority, are waived.").
6. In fact, at least one court has recognized back pay as being a "special damage" and has further recognized that it is impossible to state the exact amount of back pay in the complaint. *See Jones v. United Gas Improvement Corp.*, 383 F.Supp. 420, FN 2 (D.C. Pa. 1974).

WHEREFORE, the Plaintiff, Gregory Stinnett, by and through his attorneys, Ed Fox & Associates, hereby moves this honorable Court to deny Defendant's Motion to the extent it seeks (which it does not) the Court to strike Plaintiff's request for special damages.

Respectfully submitted,

s/Meghan A. Gonnissen
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NOTICE OF FILING

To: Peter Ahmadian
Kathleen Crowe
Jospeh Graham
Assistant Corporation Counsel
30 N. LaSalle Street, Suite 1020
Chicago, IL 60602

PLEASE TAKE NOTICE that on April 18, 2008, the undersigned filed with the Clerk of this Court, **PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO STRIKE PLAINTIFF'S REQUEST FOR PUNITIVE AND/OR LIQUIDATED DAMAGES**, service of which is being made upon you.

s/Meghan A. Gonnissen
Meghan A. Gonnissen
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(312) 345-8877

PROOF OF SERVICE

I, Meghan A. Gonnissen, an attorney, under penalty of perjury, and state that on April 18, 2008, service is being made in accordance with the General Order on Electronic Case Filing section XI.

s/Meghan A. Gonnissen
Meghan A. Gonnissen
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